

## REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

PM 98.061/3

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APR 21 2008

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,477,113, granted on November 5, 2002, and for which a reissue patent is sought on the invention titled Source Waveforms for Electro seismic Exploration, the specification of which

- ☐ is attached hereto.
- ☒ was filed on April 16, 2004 as reissue application number 10/826,174  
and was amended Nov. 14, 2006, Jan. 17, 2007 and Nov. 7, 2007.  
(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue; such must be stated with an explanation as to the nature of the broadening:

SEE PAGE 3

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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected herewith.

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Name(s)	Registration Number
Douglas J. Collins	43,561
Brent R. Knight	54,226
Gary D. Lawson	27,696
J. Paul Plummer	40,775
Charles E. Smith	32,085
Joseph D. Yao	34,284
Denise Y. Wolfs	32,074

Correspondence address: Direct all communications about the application to:

☐ Customer Number

34477

Type Customer No. here

Place Customer Number Bar  
Code Label Here

<input checked="" type="checkbox"/> Firm or Individual Name	J. Paul Plummer				
Address	ExxonMobil Upstream Research Company				
Address	P. O. Box 2189				
City	Houston	State	Texas	Zip	77252.2189
Telephone	713.431.7360	Fax	713.431.4664		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor: (given name, family name) Scott C. Hornbostel

Inventor's signature: *Scott C. Hornbostel*

Date: 4/18/08

Inventor's residence: Houston, Texas

Citizenship: USA

Mailing Address: 4437 Clay Street, Houston, Texas 77023

Full name of sole or first inventor: (given name, family name) Arthur H. Thompson

Inventor's signature: *Arthur H. Thompson*

Date: 4/18/08

Inventor's residence: Houston, Texas

Citizenship: USA

Mailing Address: 13602 Peachwood Court, Houston, Texas 77077

Full name of sole or first inventor: (given name, family name)

Inventor's signature:

Date:

Inventor's residence:

Citizenship:

Mailing Address:

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

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## SUPPLEMENTAL DECLARATION

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This is a supplemental declaration by me as one of the below named inventors, which is being submitted in order to overcome a rejection under 35 U.S.C. 251. The original declaration failed to identify at least one error that is relied upon to support the reissue application. I declare that this oversight occurred without any deceptive intent on the part of the applicant. The error relied upon the applicant to support the reissue application is as follows:

The original patent is believed to be inoperative because the patentee claimed less than he had a right to claim in the patent. Accordingly, the reissue is a broadening reissue, the nature of which is as follows:

The original patent's claims are method claims that contain steps that can be performed in different countries, thereby affecting coverage of the claims. For example, in Claim 1, the "detecting" step and the "generating" step must be performed where the survey is conducted; however, the "correlating" step is a data processing step that need not be performed in the country where the survey is conducted. The claims added in the reissue application address this problem of trans-border claim avoidance.

More specifically, taking the original claim 1 as an example, the relied upon error is that (a) selecting . . . (b) generating . . . (c) detecting and recording . . . (d) correlating . . . and (e) creating . . . are all method steps, not just limitations in the claim but method steps. Thus, due to the holding in *NTP Inc. vs. Research in Motion Ltd.*, 418 F3d 1282, 1317 (2005), this claim requires every step to be performed in the U.S. For example, the correlating (a data processing operation) must be performed in the U.S. This can be compared to the new claim 21, where the method steps are (a) obtaining . . . (b) generating . . . (c) detecting and recording . . . (d) obtaining a correlated seismic record . . . and (e) obtaining . . . The word *obtaining* is broader than, for example, *correlating*. The actual correlating can be performed in any country, as long as the resulting correlated seismic record is at some time in the process "obtained" in the U.S. Claim 21 is broader than claim 1.

I declare that every error made in the patent that was corrected in the present reissue application, and is not covered by a prior oath declaration submitted in this application, arose without any deceptive intention upon the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed at Houston, Texas.x Scott C. Hornbostel

4/18/08

Scott C. Hornbostel

Date

x Arthur H. Thompson

4/18/08

Arthur H. Thompson

Date

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